

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE FAIRLIFE MILK PRODUCTS
MARKETING AND SALES PRACTICES
LITIGATION**

This Document Relates to:

ALL CASES

MDL No. 2909

Master Case No. 19-cv-3924

Judge Robert M. Dow, Jr.

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, PRELIMINARY CERTIFICATION, AND APPROVAL
OF NOTICE PLAN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(e)(1)**

Pursuant to Federal Rule of Civil Procedure 23(e)(1), Plaintiffs respectfully seek Court approval of a \$21-million non-reversionary class action Settlement to resolve the above-captioned multidistrict litigation. Under the Settlement, Claimants will be eligible to receive up to \$20 for claims without Valid Proof of Purchase, and up to \$80 for claims with Valid Proof of Purchase, for a total of \$100 in possible relief, subject to *pro rata* increases or decreases depending on the number of claims filed. The Settlement also includes meaningful injunctive relief. All of these terms were subject to hard-fought negotiations led by the Hon. Wayne R. Andersen (Ret.) acting as mediator. None of the \$21 million Settlement Fund will be used to fund the injunctive relief.

Plaintiffs believe that the Settlement is an excellent result for the Class, and that it provides fair, adequate, and reasonable relief to resolve this Litigation. They respectfully request that the Court preliminarily approve the Settlement, preliminarily certify the Settlement Class, approve the Class Notice Program and appoint the parties' jointly-selected Claims Administrator, direct notice to the Settlement Class Members, and enter the Parties' Proposed Order Granting Preliminary Approval, which sets a timeline for the Court's Fairness Hearing.

Dated: April 14, 2022

Respectfully submitted,

/s/ Amy E. Keller

Amy E. Keller

Interim Co-Lead Counsel

Adam Prom

Michelle Locascio

DiCELLO LEVITT GUTZLER LLC

Ten North Dearborn Street, Sixth Floor

Chicago, Illinois 60602

Telephone: 312-214-7900

akeller@dicellolevitt.com

aprom@dicellolevitt.com

mlocascio@dicellolevitt.com

/s/ Melissa S. Weiner (w/ permission)

Melissa S. Weiner

Interim Co-Lead Counsel

PEARSON, SIMON & WARSHAW, LLP

800 LaSalle Avenue, Suite 2150

Minneapolis, Minnesota 55402

Telephone: 612-389-0600

mweiner@pswlaw.com

/s/ Michael R. Reese (w/ permission)

Michael R. Reese

Interim Co-Lead Counsel

REESE LLP

100 West 93rd Street

New York, New York 10025

Telephone: 212-643-0500

mreese@reesellp.com

REESE LLP

George V. Granade

8484 Wilshire Boulevard, Suite 515

Los Angeles, California 90211

Telephone: (310) 393-0070

ggranade@reesellp.com

REESE LLP

Charles D. Moore

100 South 5th Street, Suite 1900

Minneapolis, Minnesota 55402

Telephone: (701) 390-7214

cmoore@reesellp.com

Interim Co-Lead Counsel

SIGNATURE ATTESTATION

Pursuant to the United States District Court for the Northern District of Illinois' General Order on Electronic Case Filing, General Order 16-0020(IX)(C)(2), I hereby certify that authorization for the filing of this document has been obtained from the signatories shown above and that each signatory concurs in the filing's content.

/s/ Amy E. Keller

Amy E. Keller

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed using this Court's CM/ECF service, which will send notification of such filing to all counsel of record this 14th day of April 2022.

/s/ Amy E. Keller
Amy E. Keller